

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Allowable Subject Matter

The indicated allowability of claims 5, 9, 11, 13 and 15-19 is noted with appreciation. Applicants' reserve the right to resubmit these claims in independent form pending reconsideration of the rejection of claims from which the allowable claims depend.

Claim Objections

Claims 6-8, 10, 12, 14-16, 18 and 19 have been objected to as being in improper form because "a multiple dependent claims 1-5." The stated basis for the objection is undecipherable. Clarification is requested.

It is noted that claim 6 originally depended from claims 1-5 and that claim 4 also was a multiple dependent claim. These claims, as well as all of the other originally submitted multiple dependent claims were amended to be singularly dependent by way of the Preliminary Amendment filed on September 10, 2004. Consequently, the pending claims are believed to be in full compliance with 37 CFR 1.75(c).

Favorable consideration of claims 6-8, 10, 12, 14-16 and 18-20 is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1-4, 6-8, 10, 12 and 14 have been rejected as being unpatentable over US 6723435 (herein "Horne"). The Examiner's remarks in support of the rejection have been carefully considered, but are deemed to set forth a prima facie case of obviousness for at least the following reasons.

Claims 1-19 recite an extruder die for forming a preform for manufacture into an optical fiber, or an extruder apparatus including a main body having a location for receiving the extruder die. The Examiner correctly observes that Horne does not teach that the device shown in Fig. 1 is an extrusion die. The reason for this is the device shown in Fig. 1 is not an extrusion die, but instead is a laser pyrolysis system.

Moreover, one of ordinary skill in the art would not have any reasonable basis to modify the laser pyrolysis system of Fig. 1 of Horne for use as an extrusion die since the laser pyrolysis system shown in Fig. 1 operates with gaseous reactants rather than materials that can be extruded to form a preform for manufacture into an optical fiber.

The design of a laser pyrolysis system simple is not relevant to the design of an extrusion system, so the obviousness rejection should be withdrawn for at least this reason. The apparatus of Horne is not for extruding a preform for optical fiber manufacture, but rather it is for producing sub-micron particles that can be subsequently used to fill holes within an existing preform (e.g. see the front page of the published patent - abstract & figure).

In addition, Horne's filing date is August 28, 2002, which is after applicants' priority date of March 13, 2002. Horne does claim the benefit of U.S. Provisional Application No. 60/315,438 that was filed on August 28, 2001, which is prior to applicants' priority date. Accordingly, it is the content of the provisional application that is citable as prior art. Submitted herewith is a copy of the file history of the provisional application downloaded using PAIR, and it can be seen the disclosure is considerably more abbreviated than that of Horne. For instance, the provisional application does not appear to have a figure corresponding to Fig. 1 of Horne. Therefore, the rejection is submitted as being deficient for this additional reason.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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